**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929**

**WP(C).No. 18977 of 2007(H)**
**----------**
**OP(ELE.)28/2005 of MUNSIFF COURT, MANJERI**
**.....**

**PETITIONER:**
**----------**

**PAKKADAN SULAIMAN, S/O. MUHAMMED,**
**KARUVARAKUNDU AMSOM, CHERAMB DESOM,**
**P.O.KUTTATHI.**

**BY ADV. SRI.T.KRISHNAN UNNI**

**RESPONDENTS:**
**----------**

**1. PULIYAKUNNAN NAZAR, S/O. ABU HAJI,**
**KARUVARAKUNDU AMSOM, CHERAMB DESOM,**
**P.O.KUTTATHI, MALAPPURAM DISTRICT.**

**2. THEKKETHIL SALAM, S/O. MUHAMMED,**
**KARUVARAKUNDU AMSOM, CHERAMB DESOM, P.O.KUTTATHI,**
**MALAPPURAM DISTRICT.**

**3. RETURNING OFFICER G-21,**
**KARUVARAKUNDU GRAMA PANCHAYATH,**
**CHERAMB DESOM, P.O.KUTTATHI, MALAPPURAM DISTRICT.**

**BY ADV. SRI.M.A.ABDUL HAKHIM**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**M.N. KRISHNAN, J.**

**= = = = = = = = = = = = = = =**

**W.P.C. NO. 18977 OF 2007**

**= = = = = = = = = = = = = = =**

**Dated this the 26th day of June, 2007.**

**J U D G M E N T**

This writ petition is filed seeking to quash the order of the Munsiff, Manjeri in I.A.744/07 in Original Petition (Election) No.28/05. The learned Munsiff by his order directed the Returning Officer to trace out the challenged votes along with other election materials with him which was not produced before the Court and if such a cover contending challenged votes is not with the Returning Officer, he is directed to appear before the Court to adduce evidence in that regard. The learned counsel for the writ petitioner submits that the Court shall not do such a thing and it is for the party to establish the same. A perusal of the order would reveal that the learned Munsiff has entered into a finding that there are challenge votes. The whole dispute revolves round the challenged votes and it is to be found out by the authority probing into the validity of the election. Therefore, I do not find any fault in the learned Munsiff in

directing the Returning Officer to search for the cover of the challenged votes and produce it before the Court below. The said order does not suffer from any illegality or irregularity. Therefore, the writ petition lacks merit and it is dismissed.

**M.N. KRISHNAN, JUDGE.**

ul/-